



UNITED STATES PATENT AND TRADEMARK OFFICE



RECEIVED

DEC 19 2005

Thorpe, North & Western

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 9

THORPE, NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY, UT 84091

COPY MAILED

DEC 15 2005

OFFICE OF PETITIONS

In re Patent No. 6,636,584

Issued: October 21, 2003

Application No. 10/024,035

Filed: December 17, 2001

Attorney Docket No. 22027.CIP3.CON

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 9, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

However, since the instant application matured into Patent No. 6,636,584 on October 21, 2003, a petition under 37 CFR 1.78(a)(3), *along with submission of a Certificate of Correction*, is the appropriate avenue of relief to accept a late claim for the benefit of priority to prior-filed nonprovisional applications after issuance of the application into a patent. Petitioner did not include a Certificate of Correction with the instant petition.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a Certificate of Correction, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Further correspondence with respect to this matter should be addressed as follows:


FEB 8 2006

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3282.

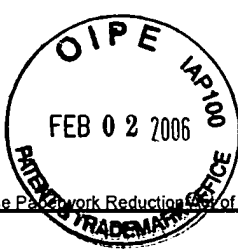

Liana Chase
Petitions Examiner
Office of Petitions

Supervisor

Randy Green

571-272-3216

FEB 8 2006



6,636,584.

Cofc

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/024,035

Filing Date

12/17/2001

First Named Inventor

Johnson

Art Unit

Examiner Name

Attorney Docket Number

22027.CIP3.CON.

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/Incomplete Application

☐

Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☒

Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks

Certificate of Correction
Petition Renewal/Response
check \$100☐

After Allowance Communication to TC

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify below):

Copy of Petition for an Unintentionally Delayed Benefit Claim Under 37 CFR 1.78 (a)3

Post card

Copy of check & postcard previously send

Certificate**FEB 08 2006****of Correction****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Thorpe North & Western, LLP

Signature

Printed name

Garron M. Hobson

Date

Jan 31, 2006

Reg. No.

41,073

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Garron M. Hobson

Date

Jan 31, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 8 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,636,584 B2
APPLICATION NO. : 10/024035
DATED : October 23, 2003
INVENTOR(S) : Steven A. Johnson et al.

Page 1 of 1

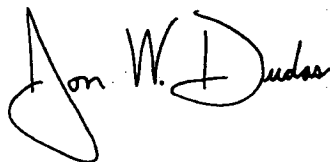
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 5 should read:

This is a continuation of U.S. Patent application Ser. No. 09/471,106, titled Apparatus And Method For Imaging Objects With Wavefields, and filed Dec. 21, 1999, --now U.S. Patent No. 6,587, 540,-- which is incorporated herein by reference --, which is a continuation-in-part of U.S. Patent Application Serial No. 08/706,205, filed on Aug. 29, 1996, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 08/486,971, filed on June 22, 1995, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/961,768, filed on Oct. 14, 1992, now U.S. Patent No. 5,588,032--.

Signed and Sealed this

Twenty-sixth Day of September, 2006

A handwritten signature in black ink, appearing to read "Jon W. Dudas". The signature is stylized with a large, looping initial "J" and a distinct "D".

JON W. DUDAS
Director of the United States Patent and Trademark Office

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1PATENT NO. : 6,636,584 *B2*

APPLICATION NO.: 10/024,035

ISSUE DATE : Oct. 23, 2003

INVENTOR(S) : Steven A. Johnson, David T. Borup, James Wiskin, Michael J. Berggren

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 5 should read:

This is a continuation of U.S. Patent application Ser. No. 09/471,106, titled Apparatus And Method For Imaging Objects With Wavefields, and filed Dec. 21, 1999, --now U.S. Patent No. 6,587,540,-- which is incorporated herein by reference --, which is a continuation-in-part of U.S. Patent Application Serial No. 08/706,205, filed on Aug. 29, 1996, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 08/486,971, filed on June 22, 1995, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/961,768, filed on Oct. 14, 1992, now U.S. Patent No. 5,588,032--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Thorpe North and Western, c/o Garron M. Hobson
P.O. Box 1219
Sandy, Utah 84091-1219

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 8 2006